

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Kenichiro Kosai

Application No.: 10/518,861

Filing Date: 03/21/2005

Title: Method of Selective isolation or Visualization of Target Cells Differentiated from Embryonic Stem Cells or Kit for Visualization

Group Art Unit: 1633

Examiner: Maria Gomez Leavitt

Attorney Dkt. No.: 042-301

RESPONSE TO WRITTEN RESTRICTION REQUIREMENT

Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

March 21, 2007

Commissioner:

In the Office Action mailed February 12, 2007, the Examiner stated that Applicant had set forth claims that contained two patentably distinct inventive groups, i.e., Group I, drawn to claims 1-23; 33-36 and 24-29 and Group II and Invention II, claims 37-38. In response to the written restriction requirement of February 12<sup>th</sup>, 2007, Applicant hereby elects Invention Group I, Claims 1-23; 33-36 and 24-29 in an effort to advance prosecution in the present application.

The Examiner further requests an election of Species between a CMV promoter and a CA promoter. Applicant hereby elects the CA promoter of claim 4 in an effort to advance prosecution in the present application.

Examiner further requests a further election in claim 7 between a Nkx2.5 gene promoter and a  $\alpha$ MHC promoter. In an effort to advance prosecution, Applicant hereby elects the Nkx2.5 gene promoter.

Finally, the Examiner requests that Applicant elect one of three distinct species set forth in claims 8, 9 and 10, i.e., neuronal cells, striatal cells, parental cells or cells expressing huntingtin. On April 9, 2007, Applicant telephoned and spoke with Examiner Leavitt and notified her that there might have been a misreading of the claims because Applicant could not see any of the cells listed by the Examiner in any of the cells. Therefore, Applicant has not chosen any of the species as set out by the Examiner hereinabove.

Applicant believes that this communication is intended to be fully responsive to the outstanding Office Action and fully complies with Examiner's restriction requirement

and now places the application in condition for allowance. No new matter has been added.

Please charge any fee deficiency or credit any overpayment with respect to this paper and or this application to Apex Juris Deposit Account No. 50-2069. Should Examiner believe further discussion regarding the above claimed language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

/Tracy M Heims/

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